

IN THE DISTRICT COURT OF THE UNITED STATES FOR
THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

MARK SHANNON WHEELER, #139044)
Plaintiff,
)
V.) CIVIL ACTION # 2006-CV-274-MHT
BILL SEGREST, et al.)
Defendant.)

MOTION FOR LEAVE TO INCLUDE MOTION FOR SUMMARY JUDGEMENT

Comes now the plaintiff in the above styled Court and moves this Honorable Court to GRANT this Motion for Leave to include Motion for Summary Judgment. MOTION FOR SUMMARY JUDGEMENT is here to with, as Attachment. Defendant will not be prejudiced by Granting this Motion. This Leave, and Motion for Summary Judgment are in All manner in Compliance to F.R.Civ.Prc. Rule 56, to the best of Plaintiff Wheeler a Layman, Pro se's ability to litigate to defendant demand relief to seek out the ends of Justice, and are "Included" to with the plaintiff's timely response to defendants Supplemental Special report previously submitted to this Court and Defendant on September 18th 2006. Plaintiff Wheeler had not realized that his own response was needing this motions and Affidavit, as this Courts order was mailed to Plaintiff Wheeler on September 14th (Doc.#60) and Plaintiff Wheeler did not receive it until September 19th, 2006, (6 days after this Court mailed it) and one(1) day after plaintiff Wheeler mailed his response. Being this was only across-town mailing process, it appears it was delayed. Plaintiff Wheeler has had legal mail supposedly take 12 days to go from Montgomery to MT. Meigs. I imagine that. It was not the courts doing, is what Plaintiff is saying. Being this motion As included being granted, Plaintiff stipulates the "reference" to Rule 56 Summary Judgement, Federal Rules of Civil Procedure, that sc the requirements thereof Rule 56 are satisfied, as ordered in Document # 60 page 2 (1) filed by this Court and received by the Plaintiff September 19th, 2006. Plaintiff states there is a genuine issue of material fact for trial in this case. Done this 26th day of September, 2006. Mark Shannon 139044
Mark Shannon Wheeler Plaintiff Pro Se

CERTIFICATE OF SERVICE

I MARK Shannon Wheeler, hereby Certify that I have mailed A copy of the same and served upon the Defendants' Counsel by 1st Class U.S. Pre-Paid Postage (mailed) in the Kilby Inmates legal mail Box addressed to Ala. Bd. Pardons and Paroles

To: Steven M. Simon

Asst Atty General

P.O. Box 302405 Montgomery, AL.

36130

MARK S. Wheeler
#139044
K-125 Kilby.
P.O. BOX 150
MT. Meigs, AL. 36057

This the 26th day of Sept. 2006.

Mark Shannon 139044

Mark Shannon Wheeler Plaintiff Pro Se